

Exhibit 1b

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: MORRIS JR Donald Lelo 10924-052 A/B FCI McKean
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I Reiterate And Incorporate By Reference each A-1 every Allegation heretofore made as set forth in my BP-8 Further make making it clearly obvious I have complained that I am in pain that effects my daily Functions, flu like symptoms muscle and joint pain fatigue pain under my right rib and urine that has been as dark as coffee. Rather then call me down for a complaint test to determine what wrong. I'm put off for 2 weeks - if I had a cold I'd be seen in a week something serious like this A-1 I'm delayed, this is deliberate indifference to a serious medical need A violation of my 8th and 14th Amendment rights. I request to experience no more delays - to have a liver biopsy done a liver profile and to be vaccinated for Hepatitis A

10/8/03

DATE

Donald C. Morrish Jr

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 314442

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

MOSHIER, Donald
Reg. No. 10924-052
MCK 314442-F2

PART B - RESPONSE

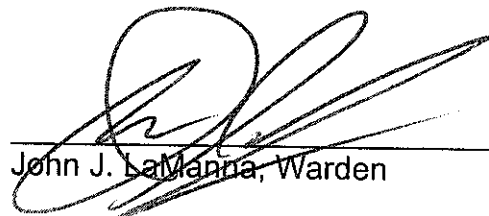
This is in response to your Request for Administrative Remedy receipted in my office on October 27, 2003, in which you claim deliberate indifference, and delay in proper medical treatment. Specifically, you request immediate treatment for hepatitis C.

An investigation of your complaint reveals you requested testing for hepatitis C, September 3, 2003, while at sick call. You reported a history of intravenous drug use and unprotected sex and the study was ordered. Your test returned positive for hepatitis C, September 16, 2003. You were placed on chronic care clinic and was evaluated by the medical officer October 16, 2003. Additional blood work was ordered during that visit. Once all lab work is complete, you will be treated following the guidelines for hepatitis C treatment set forth by the medical director of the Bureau of Prisons. There is no evidence of deliberate indifference or improper care.

Based on this information, your Request for Administrative Remedy is denied.

In the event that you are not satisfied with this response, you may appeal within twenty (20) calendar days from the date of this response by submitting a BP-DIR-230 to the regional director.

11-14-03
Date



John J. LaManna, Warden

000002

ADMINISTRATIVE REMEDY PROCEDURE FOR INMATES
INFORMAL RESOLUTION FORM

NOTICE TO INMATE: Before filing a BP-9 ("Request for Administrative Remedy"), you **MUST** attempt to informally resolve your complaint through your Correctional Counselor. Briefly state your complaint in "1" below and in "2" list what efforts you have made to informally resolve the complaint (state names of staff contacted).

This Informal Resolution Form was issued by MORELLO, Correctional Counselor, on _____ To: _____

INMATE: Donald C Moshier Sr REG. NO. 10924-052 QUARTERS: A/B

1. COMPLAINT: SINCE I've BEEN HERE AT FCI MCKEAN I HAVE BEEN COMPLAINING TO MEDICAL THAT I HAVE HEPATITIS C IT'S BEEN MORE THEN A YEAR NOW AND FINALLY THEY'VE GIVEN ME A BLOOD TEST THAT CONFIRMS WHAT I'VE BEEN TELLING THEM, MEDICAL AT FCI MCKEAN HAS FAILED TO FOLLOW - CONT. NEXT PM

2. EFFORTS MADE TO INFORMALLY RESOLVE & STAFF CONTACTED: TALKED TO NUMEROUS QA'S ABOUT MY HEPATITIS C, AND NEED TO BE MONITORED AND TREATED.

Donald C Moshier Sr
INMATE'S SIGNATURE

10924-052
REG. NO.

DO NOT WRITE BELOW THIS LINE

CORRECTIONAL COUNSELOR'S COMMENTS

DATE RECEIVED FROM INMATE: 10-2-23

EFFORTS MADE TO INFORMALLY RESOLVE & NAMES OF STAFF CONTACTED: DR. BEAM WAS CONTACTED AND CONFIRMED THAT YOU HAVE HEPATITIS C. YOU HAVE BEEN SCHEDULED TO BE EXAMINED ON 10/16/03 @ 1230. YOU ARE TO BE REASSURED THAT IF YOU DO, IN FACT, NEED TREATMENT, YOU WILL RECEIVE IT.

DATE () INFORMALLY RESOLVED or () BP-9 ISSUED (check one): _____

[Signature] 10-03-03
COUNSELOR'S SIGNATURE

DISTRIBUTION: A. IF INFORMALLY RESOLVED: Forward original to Warden (Attention: Warden's Secretary)
B. IF BP-9 ISSUED: Forward original (attached to BP-9) to Warden (Attention: Warden's Secretary).

CODE MUST BE SUPPLIED BY DEPARTMENT HEAD OR DESIGNEE BEFORE GIVING TO WARDEN'S SECRETARY

CODE: _____

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CONTINUED FROM PAGE (1) THE BOP'S POLICY BY PLACING ME ON CHRONIC CARE AND BY MONITORING MY BLOOD PERIODICALLY TO THIS DATE THEY STILL HAVEN'T GIVEN ME A LIVER PROFILE TEST TO SEE WHAT MY ALT LEVELS ARE, THERE PURPOSELY DELAYING / AVOIDING WORKING UP LAB TESTS SO THEY DON'T HAVE TO TREAT ME, ALLOWING MY DISEASE TO PROGRESS, I AM IN PAIN THAT EFFECTS MY DAILY FUNCTIONS, "CONSTANTLY FEEL LIKE I HAVE THE FLU MUSCLE AND JOINT PAIN, FATIGUE, AND PAIN UNDER MY RIGHT RIB - SOMETIME MY URINE IS AS DARK AS COFFEE. THERE'S AN FDA APPROVED TREATMENT FOR THIS DISEASE - THIS DISEASE CAN BE FATAL YET THE BOP AT FCI MCKEAN ARE DOING NOTHING FOR ME, I AM IN FEAR OF MY LIFE BECAUSE THEY ARE TAKING NO INTEREST WHAT SO EVER, AND ARE NOT OFFERING ME THIS TREATMENT - ALSO I HAVE REQUESTED TO BE VACCINATED AGAINST HEPATITIS A - BUT AM BEING DENIED.

Request - Treatment to begin with out any more delays - to have a liver biopsy to see what stage of the disease I've progressed to and to see if I qualify for treatment and to be vaccinated for Hepatitis A.

Donald Leroy Moshien JR.
Reg# 10924 - 052
Donald Leroy Moshien JR.

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Moshier and Donald L 10924-052 AB McKean
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

I Reit Reintegrate and incorporate by reference each and every allegation as set forth in my BP-8 and BP-9. It was stated in my response that additional blood work was ordered on October 16, 2003, it's now November 20th 2003, and I have as of yet received any blood work. The practice of refusing to evaluate inmates for treatment of Hep S91x because they have not shown elevated liver enzyme functions (ALT) of 2.0 times the upper limit of normal for 12 consecutive months demonstrates a deliberate indifference to a serious medical need. The practice of using rigid treatment guidelines to determine which inmate will be evaluated for treatment rather than a board certified hepatologist is a deliberate indifference to a serious medical need. Both separately and together is in violation of the Eighth amendment to the United States Constitution.

11/19/03

DATE

Donald L Moshier SR

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER:

314442-R1

Part C—RECEIPT

CASE NUMBER:

000005

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

MOSHIER, Donald
Reg. No. 10924-052
Appeal No. 314442-R1
Page One

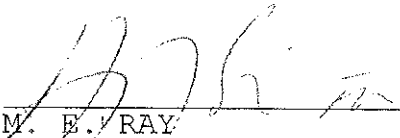
Part B - Response

In your appeal, you contend you are not receiving timely and adequate medical care at FCI McKean for Hepatitis C. You claim blood work, ordered on October 16, 2003, has not been completed. You state the practice of refusing to evaluate inmates because their liver enzyme levels are not elevated more than twice the upper limit, amounts to deliberate indifference. You request no more delays in your treatment and request to have a liver profile, liver biopsy and to be vaccinated against Hepatitis A.

A review of your appeal reveals that the Warden correctly summarized the medical care you are receiving at FCI McKean. Additionally, your blood that was collected on October 10, 2003, and November 17, 2003, the test results were used to complete your liver profile. You were evaluated by the Clinical Director on October 16, 2003, and were scheduled for a follow-up evaluation three months from that day. You will also be evaluated approximately every three months through the chronic care clinic. The appropriate tests will be completed and you will be treated for the Hepatitis C virus in accordance with the Bureau of Prisons clinical guidelines. Medical staff advise that you are receiving appropriate medical treatment. You have failed to present evidence you have been treated with deliberate indifference. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: December 22, 2003


M. E. RAY
Regional Director

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Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type in use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments, must be submitted with this appeal.

From: Moshier Jr Donald L 10924-052 AB 001225 FCI McKean
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL I'm not at all satisfied with the response. Because as of now to date I'm still getting the brush off. By medical staff Dr. Beam telling me I need it. What I've stated in my B-P-9 and B-P-10 is all true and is still as it has been. It is true that I've had two blood test done. Now even the first one was for my liver enzyme levels (ALT) which was 115. AND the other one was to check for Hep. B. AND Hep. A. to see if I had it and to see if I needed the vaccination against it. But still I've had no results in receiving even that which the test results show that I DO need it. Again the same brush off only this time Dr. Beam tells me that there is NO cases of Hep. A at McKean. SO NO I'm not at all satisfied with McKean medical OR with there Kennedy responses.

01/7/04
DATE

Donald L Moshier Jr
SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

GENERAL COUNSEL

SECOND COPY: REGIONAL FILE COPY

CASE NUMBER: 314442-12

Part C—RECEIPT

CASE NUMBER: 000007Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Previous BP-DIR-11

BP-231(13)
APRIL 1982

Administrative Remedy No. 314442-A2
Part B - Response

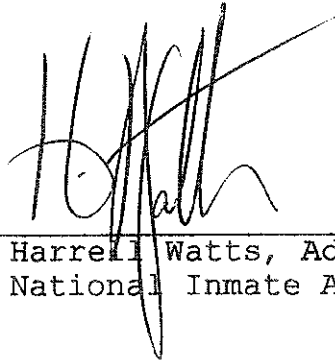
This is in response to your Central Office Administrative Remedy in which you request a liver biopsy, additional blood tests for ALT levels, and vaccination against Hepatitis A.

Review of your medical record indicates that you were first diagnosed with Hepatitis C in September, 2003 after requesting a test. As of this date you have had two ALT levels drawn, in October 2003 and February 2004. Both were 115 U/L, in the range in which a liver biopsy appears appropriate if it remains in this range over the next 6 months. A note from your physician dated December 22, 2003, indicates that the Hepatitis A vaccination series will be given to you.

BOP guidelines for the treatment of Hepatitis C are based on a large body of scientific literature, much of which is summarized in the NIH Consensus Conference Statement: "Management of Hepatitis C, 2002." These guidelines do not recommend treating every patient with Hepatitis C, since significant liver disease develops in only about 15% of those who are infected. It takes 20 years or more for cirrhosis to develop in this 15% of infected individuals. The serum ALT level is used as an indirect indicator of liver inflammation. Recent research has shown that individuals with persistently normal or near-normal ALT levels are unlikely to have significant or progressive liver disease. Thus it is premature to refer you for a liver biopsy at this time. Your condition will continue to be monitored every 3 to 6 months in the Chronic Care Clinic, and if in the future you meet the criteria for a liver biopsy, this will be performed.

Accordingly, we concur with the responses provided. The medical care you are receiving at this time is appropriate. This response is for informational purposes only.

April 1, 2004
Date



Harrell Watts, Administrator
National Inmate Appeals
Dew

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